

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:10cv167**

RHONDA S. JONES, )  
Plaintiff, )  
v. )                   **ORDER**  
CBOCS, INC., )  
Defendant. )  
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Pending before the Court is Defendant's Motion to Compel [# 12]. Defendant served Plaintiff with its First Set of Interrogatories and Second Requests for Production of Documents on December 17, 2010. To date, Plaintiff has not responded to Defendant's requests. Defendant now moves to compel Plaintiff to respond to these requests. Plaintiff did not file a response to Defendant's motion. The Court **GRANTS** Defendant's Motion to Compel [# 12].

**I. Analysis**

Where a party fails to answer an interrogatory or respond to a request for production of documents, the party seeking discovery may move for an order compelling an answer and production. Fed. R. Civ. P. 37(a)(3)(B). Rule 37 also provides that if a court grants a motion to compel or the discovery is provided after the party files the motion, the court must require the party whose conduct necessitated the motion to pay the movant's reasonable expenses, including attorneys' fees, after providing the party an opportunity to be heard. Fed. R. Civ. P. 37(a)(5)(A).

Plaintiff failed to respond to Defendant's discovery requests and has not responded to the motion to compel. Prior to making the motion to compel, Defendant attempted in good faith to obtain the relevant discovery from Plaintiff. Accordingly, the Court **GRANTS** Defendant's Motion to Compel [# 12]. Plaintiff shall respond to Defendant's requests by April 22, 2011. The Court also **DIRECTS** Plaintiff to **SHOW CAUSE** in writing by April 22, 2011, why the Court should not award Defendant its costs, including its reasonable attorneys' fees, pursuant to Rule 37(a)(5)(A).

## **II. Conclusion**

The Court **GRANTS** Defendant's Motion to Compel [# 12]. Plaintiff shall respond to Defendant's First Set of Interrogatories and Second Requests for Production of Documents by April 22, 2011. The Court **DIRECTS** Plaintiff to **SHOW CAUSE** in writing by April 22, 2011, why the Court should not award Defendant its costs, including its reasonable attorneys' fees, pursuant to Rule 37(a)(5)(A).

Signed: April 6, 2011

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

